

Message Text

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PAGE 01 STATE 182545

43

ORIGIN AF-08

INFO OCT-01 ISO-00 PM-04 H-02 L-03 AID-05 IGA-02 CIAE-00

DODE-00 INR-07 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 OMB-01 TRSE-00 /063 R

DRAFTED BY AF/C:MFGALLAGHER:GJB

APPROVED BY AF/C - EMARKS

AF/EPS: RDUNCAN

PM/SAS: DHESTER

H: HROBINSON (INFO)

AF/I - DKEOGH

L/PM - TBOREK

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R 230529Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY KINSHASA

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E.O. 11652: N/A

TAGS: MASS, EGEN, EAID, CG

SUBJECT: QUESTIONS CONCERNING FOREIGN MILITARY AID BILL

REF: KINSHASA 5730

1. THE FOLLOWING INFORMATION IS KEYED TO PERTINENT
PARAGRAPHS OF REFTTEL:

A. PARA 1. ON JUNE 30 PRESIDENT FORD SIGNED THE
INTERNATIONAL SECURITY ASSISTANCE AND ARMS CONTROL ACT OF
1976. THIS ACT IS AUTHORIZATION RPT AUTHORIZATION
FOR ALL MILITARY AND SECURITY SUPPORTING ASSISTANCE PRO-
GRAMS IN FY 76, THE TRANSITIONAL QUARTER, AND FY 77.
(HENCE, BILL IS "TWO YEAR" BILL). ABOVE ACT AUTHORIZES
\$1,860 MILLION IN APPROPRIATIONS FOR SECURITY SUPPORTING
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PAGE 02 STATE 182545

ASSISTANCE IN FY 77, NOT LESS THAN \$27.5 MILLION OF WHICH

IS TO BE MADE AVAILABLE FOR ZAIRE. AUTHORIZATIONS FOR OTHER PROGRAMS (E.G. GRANT MILITARY TRAINING AND FMS FINANCING) WERE ON GLOBAL BASIS WITHOUT ANY EARMARKING OF FUNDS SPECIFICALLY FOR ZAIRE. CONGRESS, HOWEVER, HAS NOT YET PASSED FY 77 APPROPRIATIONS BILL.

B. PARA 3. PREEXISTING REQUIREMENT THAT ALL PROPOSED FMS SALES OF \$25 MILLION OR MORE BE SUBMITTED TO CONGRESS

FOR 20 DAY REVIEW AND POSSIBLE "VETO" VIA CONCURRENT RESOLUTION HAS BEEN EXPANDED TO INCLUDE AS WELL ALL PROPOSED FMS SALES OF "MAJOR DEFENSE EQUIPMENT" FOR \$7 MILLION OR MORE, WITH REVIEW PERIOD EXTENDED TO 30 DAYS. "MAJOR DEFENSE EQUIPMENT" DEFINED TO INCLUDE ALL "SIGNIFICANT COMBAT EQUIPMENT" ON US MUNITIONS LIST WITH TOTAL R&D OF \$50 MILLION OR MORE OR RPT OR TOTAL PROCUREMENT OF \$200 MILLION OR MORE. ON COMMERCIAL SIDE, ALL EXPORT LICENSE APPLICATIONS IN CONNECTION WITH SALES OF MAJOR DEFENSE EQUIPMENT FOR \$7 MILLION OR MORE, OR ANY DEFENSE ARTICLES OR SERVICES FOR \$25 MILLION OR MORE, MUST BE SUBMITTED TO CONGRESS AT LEAST 30 DAYS BEFORE LICENSE MAY BE ISSUED, BUT THERE IS NO RPT NO PROVISION FOR CONGRESSIONAL DISAPPROVAL OF SUCH COMMERCIAL EXPORTS. YOU SHOULD BE AWARE, HOWEVER, THAT NEW LAW PROHIBITS ISSUANCE OF EXPORT LICENSE FOR COMMERCIAL SALE OF MAJOR DEFENSE EQUIPMENT FOR \$25 MILLION OR MORE TO ANY NON-NATO COUNTRIES. IN OTHER WORDS, SUCH SALES MUST NOW GO FMS.

C. PARA 4. EXPLAINED IN PARA A ABOVE.

D. PARA 5. ACT DID NOT RPT NOT AUTHORIZE ANY SPECIFIC LEVEL OF FMS FINANCING FOR ZAIRE. SALES OF SPECIFIC ITEMS, HOWEVER, REMAIN SUBJECT TO CONGRESSIONAL OVERSIGHT OUTLINED PARA B ABOVE.

E. PARA 6. EXPLAINED PARA A ABOVE.

2. ABOVE INFORMATION PLUS DUNCAN TO BLAKE MEMO OF JULY 7 LIMITED OFFICIAL USE

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PAGE 03 STATE 182545

THAT HAS BEENPOUCHED TO EMBASSY SHOULD ANSWER ALL QUESTIONS. ROBINSON

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